

MEMO ENDORSED

July 28, 2021 Defendant Michael Avenatti must submit an affidavit pursuant to 28 U.S.C. 1915(a)(1) before the Court may rule on his *in forma pauperis* status.

Via ECF

Honorable Paul G. Gardephe
United States District Judge
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

SO ORDERED.



Paul G. Gardephe
United States District Judge

Re: United States v. Avenatti, No. S1 19 Cr. 3
Letter Motion Requesting Declaration of
Pauperis Status for Mr. Avenatti on Appeal

July 30, 2021

Dear Judge Gardephe:

I write to respectfully request that this Court enter an Order approving *in forma pauperis* status for Mr. Avenatti so that the Court of Appeals may appoint the Federal Defenders of New York to represent Mr. Avenatti on direct appeal.

On July 8, 2021, this Court sentenced Mr. Avenatti to 30 months in prison. The Court entered the judgment on July 15, 2021. (ECF No. 339). The Court did not impose a fine because Mr. Avenatti is unable to pay one. On July 22, 2021, I prepared and filed the notice of appeal in the district court on Mr. Avenatti's behalf to preserve his appellate rights. (ECF No. 343). I personally paid the \$505.00 filing fee on Mr. Avenatti's behalf with my own funds.

I was not retained to represent Mr. Avenatti in his direct appeal. Indeed, I am not accepting any new litigation matters. However, inasmuch as I was the lawyer who filed the notice of appeal, I am now considered counsel of record in the Second Circuit. On July 23, 2021, I filed an unopposed motion in the Second Circuit to be relieved as attorney of record and for the Federal Defenders of New York to represent Mr. Avenatti on appeal. The Federal Defenders already represents Mr. Avenatti in his other criminal case pending in this district by virtue of Judge Furman's appointment under the CJA. *See* ECF No. 73 in Case No 19-Cr-374. The Federal Defenders of New York has advised me that it is willing to accept the appointment to represent Mr. Avenatti in his direct appeal.

Today I received a call from an attorney with the Second Circuit informing me that the Second Circuit was prepared to approve the appointment of the Federal Defenders of New York and confirming that the Federal Defenders is willing to accept the appointment. However, given my payment of the \$505.00 filing fee, Second Circuit protocol first requires an Order from the district court declaring *in forma pauperis* status for Mr. Avenatti before making the appointment.

Accordingly, I respectfully request that the Court enter an Order approving *in forma pauperis* status for Mr. Avenatti so that the Federal Defenders of New York may be appointed to represent him in the Second Circuit. The government advises that it takes no position on this request.

Respectfully submitted,

/s Scott Srebnick
Scott A. Srebnick

cc: Government Counsel